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EXAMINER

SKAGGS JR, H GRANT

ART UNIT

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 11

Application Number: 09/688,001

Filing Date: October 14, 2000

Appellant(s): DOBBERTIN ET AL.

Kathleen K. Bowen
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed October 9, 2002.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

No amendment after final has been filed.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

Appellant's brief includes a statement that claims s 1-5 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) *ClaimsAppealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

5478066	Yoshida et al	12-1995
5344133	Jantsch et al	9-1994
6120016	Watkiss	9-2000

(10) *Grounds of Rejection*

The following ground(s) of rejection are applicable to the appealed claims:

Claim 5 is rejected under 35 USC 103(a) as being unpatentable over Yoshida et al in view of Jantsch et al.

Yoshida et al shows in Fig. 25 a sheet feeding system having a pressure air valve 22 movable between between an open position a and a closed position b. A vacuum valve 13 movable between a closed position d and an open position c and a belt 14 that is operated to be move by a motor M1. As set forth in column 17 line 50 to column 18 line 44 the operation of the Fig. 25 starts with valve 22 in its closed position and is switched to its open position a so that the blower is operated to direct air from the nozzle to the stack. Next the valve 13 is switched to the open position c so that a blower 12 sucks air from the opening 6. Later the valve 22 is switched to the closed position and at the same time the belt 14 is driven by the motor 14. The Yoshida et al reference does not specifically state with regard to Fig. 25 when the valve 13 is closed or when the movement of belt 14 is halted. In Fig. 34 of Yoshida et al a timing diagram is shown in which it is shown that the conveyor belt 14 is stopped following the closing of the valve 13. Note although the time chart of Fig. 34 appears to be primarily for the embodiment of Fig. 35, it is the examiner's position that it would be clear to one of ordinary skill that the timing of the turning off of the belt and valve 13 of Fig. 25 could operate similarly since obviously the belt and valve 13 are turned off at some point in time prior to the next operation. Yoshida et al does not teach that the vacuum can run after de-energizing the belt or that the belt can be energized and de-energized by way of a feed clutch. Merely having the vacuum of Yoshida et al run until after the feed belt

14 is de-energized would require mere choice or expedience since it would appear that the apparatus would run equally well with the vacuum turned off after the de-energizing of the belt 14. Further to have the feed belt activated and deactivated by way of a feed clutch would require mere choice of a known means of controlling the movement of the belt as made obvious by Jantsch et al. Note 56 and column 5 lines 30-46 of Jantsch et al.

Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshida et al in view of Jantsch et al as applied to claim 5 above, and further in view of Watkiss.

It would be obvious, in order to aid in the separation of the sheets from the stack, to have the positive air pressure valve 22 of Yoshida et al delivered in pulses as made obvious by Watkiss. Note air blast from nozzles 72 and column 5 lines 6-30 of Watkiss. In regard to claims 2-3 merely having the air pressure separator (22 of Fig. 25) of Yoshida et al actuated at the same time as the vacuum on the sheets is actuated by opening valve 13 would require mere choice or expedience since the apparatus of Fig. 25 of Yoshida et al could work equally well with this timing of the pressure valve 22 and vacuum valve 13 operation. With regard to claims 3 and 4 to have the time between the closing of the valve 22 and the activation of the feed belt 14 of Yoshida et al to be approximately 50 milliseconds would require mere choice or expedience based on the timing and feed rate of the sheets being feed.

(11) Response to Argument

In regard to the rejection of claim 5 appellant argues that Fig. 34 of Yoshida et al clearly teaches that Fig. 34 teaches that air flow through nozzle 19 is always required as shown in the timing chart and that therefore the timing chart could not apply to the embodiment of Fig. 25. The examiner disagrees. The chart does suggest a timing between the operation of the valve 13 and the movement of the conveyor belt 14 regardless of the air flowing through the nozzle 19 and one of ordinary skill could easily recognize that the timing between the closing of the valve and the stopping of the conveyor could easily be applied to embodiment of Fig. 2 and would require mere common sense. Further the examiner has made a factual observation that merely having the vacuum of Yoshida et al run until after the feed belt 14 of Fig. 25 is de-energized would require mere choice or expedience since it would appear that the apparatus runs equally well with the vacuum turned off after the de-energizing of the belt 14. Appellant does not believe such observation is based on fact and is unsupported by the applied art. However, appellant makes no attempt to argue that such observation is faulty or incorrect. It is the examiner's position that a change in a timing of a method step is permissible if the change has no consequence in the desired operation. In the present instant appellant has failed to show why the change in the timing of the closing of the valve 13 until after the de-energizing of the belt 14 would produce any desired or unexpected result.

In regard to the rejection of claims 1-4, the application of Yoshida et al to claim 1 is the same as that of claim 5 and thus will not be discussed further. With regard to the application of the patent to Watkiss in modifying Yoshida et al, it is the examiner's

position that Watkiss is applied merely to teach that it is known that pressurized air used in the separation of sheets can be provided as pulsating air and nothing more. Although Watkiss does teach that the pulsed air should be in timed relationship with the operation of the suction box and belt, it is the examiner's position that Watkiss is used merely to show that it is well known that pressurized air can be provided in pulses and that the modification of Yoshida et al in view of Watkiss requires the mere substitution of art recognized equivalent pressurized air sources and nothing more.

With regard to claim 2 Yoshida et al clearly teaches in column 18 lines 36-44 that the pressurized air is stopped (de-activated) just before or at the same time as the conveyor belt 14 is operated and thus meets the added limitation of claim 2

With regard to the arguments concerning claim 3 and 4, as stated in column 18 lines 1-12 the valve for the pressurized air is actuated to allow air flow when the vacuum valve is actuated and thus provides a vacuum on the sheets and thus meets that limitation of the claim. Further in Yoshida et al the valve 22 is closed (de-activating positive air flow) at about the same time the conveyor belt is activated (see column 18 lines 36-44). 50 milliseconds is a very short time and appellant has not shown why such a time between the air pressure valve is closed and when the clutch is energized has any unexpected results as it relates to the sequence of operation where the pressurized valve is de-activated at about the same time as the conveyor is activated as taught by Yoshida et al.

For the above reasons, it is believed that the rejections should be sustained.

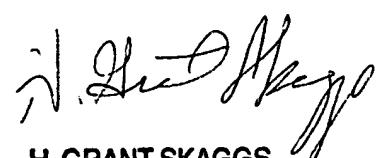
Respectfully submitted,

hgs
December 4, 2002

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